



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gyula Hadlaczky, et al. Art Unit : 1632
 Serial No. : 09/096,648 Examiner : Ton, T.N.
 Filed : June 12, 1998 Conf. No. : 2049
 Cust. No. : 24961 Notice of Allowance Date: 11/26/2003
 Title : ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR
 PREPARING ARTIFICIAL CHROMOSOMES

MAIL STOP ISSUE FEE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are a Response on Examiner's Statement of Reasons for Allowance and Submission Responsive to the Notice of Allowance, an issue fee transmittal, a check in the amount of \$1672.00 for the issue fee, publication fee and an Advance Order of 14 copies of the issued patent, Change of Correspondence Address Application and a return postcard for filing in connection with the above-captioned application.

The Commissioner is hereby authorized to charge any fee that may be due under 37 C.F.R. §§ 1.16-1.17, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

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 Reg. No. 33,779

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I hereby certify that this paper and the attached papers are being deposited with the United States Postal Services as "Express Mail" Label No. EV 399313711 US in an envelope addressed to:
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2/26/04

Stephanie L. Seidman



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**COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE
AND A SUBMISSION RESPONSIVE TO THE NOTICE OF ALLOWANCE**

Entry of the following remarks into the file history of the above-captioned application
is respectfully requested.

Remarks begin on page 2 of this paper.

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REMARKS

Any fees that may be due in connection with filing this paper, or with this application throughout its pendency may be charged to Deposit Account No. 06-1050.

Claims 32, 35, 38, 39, 65, 67, 82, 83, 87, 97-100 and 106-112 are pending and deemed allowable. Claims 82 and 99 were amended in the Examiner's Amendment of November 26, 03, which was authorized by a telephone interview with the undersigned attorney on October 31, 2003. It is noted that the Examiner's Amendment inadvertently states that claim 10 is amended to insert the term —non-human— before the term embryo. Applicant respectfully submits that claim 82 was the intended claim, which is in accordance with the claim amendments discussed in the telephone interview with the Examiner.

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

In the statement of reasons for allowance, the Examiner states that satellite artificial chromosomes (SATACs) are distinguishable from the minichromosomes in the prior art because SATACs primarily are made up of repeating units of short satellite DNA and are fully heterochromatic, whereas minichromosomes contain at least more than 50% euchromatin.

Applicant respectfully points out that the instant claims are directed to a variety of methods for producing transgenic animals, and methods for producing embryos. The claims are not directed to the SATACs, which are the subject of claims in issued patents. It is respectfully submitted that any art of record describing minichromosomes does not teach or suggest methods of preparing transgenic animals or embryos containing the minichromosomes. Furthermore, there is no prior art of record that describes transgenic animals or embryos that contain any artificial chromosome from any plant or animal. Claims directed to methods that use the minichromosomes and artificial chromosomes per se will be pursued in co-pending and/or continuing applications.

RESPONSE TO EXAMINER'S STATEMENT REGARDING REQUIREMENT FOR DEPOSIT OF BIOLOGICAL MATERIAL

The Examiner states that claim 107 refers to cell lines deposited under ECACC accession numbers 96040928 and 9604929. The specification indicates that the cell lines were deposited in accord with the Budapest Treaty, however the Examiner states that there is

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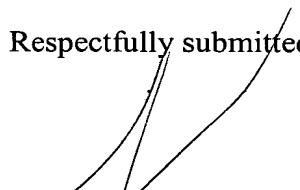
Attorney's Docket No. 24601-402A

no indication as to public availability of the cell lines. Applicant states herein that cells lines deposited under ECACC accession numbers 96040928 and 9604929 have been deposited in accord with the Budapest Treaty and will be available without restriction upon issuance of a patent with claims directed thereto. Thus, the deposit requirement has been satisfied.

* * *

Applicant respectfully requests entry of the above amendments and remarks into the file history of the above-captioned application.

Respectfully submitted,


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